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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,144	07/26/2001	Maurice J. Ouellette	11ME-491	2730

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EXAMINER
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KIM, PAUL L

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 01/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/682,144

Applicant(s)

OUELLETTE ET AL.

Examiner

Paul L Kim

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claim 4, the phrase "such that" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 11-14, 16, 19-20, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Provost et al.

With reference to claims 1 and 2, Provost teaches a method for creating a secure program history log for a programmable device including a processor, communication port, and memory (fig. 1) that comprises the steps of: communicating parameters to the microprocessor, creating a log entry, and writing the log entry into the program history log (col. 4, lines 2-16).

With reference to claims 3 and 14, Provost teaches the log entry comprising log entry information (col. 5, lines 37-45).

With reference to claims 11-13, 16, and 20, Provost teaches an electronic electricity meter comprising a communication port (fig. 1), a microprocessor configured to receive meter input parameters (fig. 1, part 28), determine energy consumption (col. 2, lines 21-24), and create a history log when parameters are received (col. 5, lines 37-45), and a memory device connected to the processor (fig. 1, part 46) with the microprocessor configured to write the log entry into the history log (col. 4, lines 2-5).

With reference to claims 19 and 22, Provost teaches a memory for storing a history log (fig. 1, part 46) and another memory for storing input parameters (fig. 1, part 38).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-10, 15, 17-18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Provost as applied to the above claims, and further in view of Lightbody. Lightbody teaches a security system for an electric meter.

With reference to claims 4, 6, 10, 15, 17, and 21, Provost does not teach the system configured so that alteration to the history log cannot be done once information is entered. Lightbody teaches the use of a security code to prevent unauthorized users from modifying data (col. 2, lines 60-67). It would have been obvious to one of ordinary

skill in the art, at the time of the invention, to modify Provost, so that alteration to log data cannot be done, as taught by Lightbody, in order to prevent theft of electricity service.

With reference to claims 5 and 8, Provost does not teach overwriting the oldest log entry with a new log entry when the history log is full. The examiner takes official notice that replacing entries in a log file is well known in the art. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to overwrite old log data with new data in order to make use of small memory capacities.

With reference to claims 7 and 9, Provost does not teach a first computer connected externally to the programmable device. Lightbody teaches a computer coupled externally to the device that can communicate, execute, read, and store programs (fig. 1, part 74). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Provost, so that data entries could be read outside the device, as taught by Lightbody, in order to have a device that can collect records of more than one electric meter.

With reference to claim 18, Provost teaches the log entry comprising log entry information (col. 5, lines 37-45).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 703-305-7468. The examiner can normally be reached on Monday-Friday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-305-1710. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-9722 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PK  
January 16, 2002

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
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